



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0149

Introduced 1/31/2007, by Sen. Deanna Demuzio

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act to extend the repeal date of the Physician Assistant Practice Act of 1987 from January 1, 2008 to January 1, 2018. Amends the Physician Assistant Practice Act of 1987. Replaces "Department of Professional Regulation" with "Department of Financial and Professional Regulation" and "Director of the Department of Professional Regulation" with "Secretary of Financial and Professional Regulation" throughout the Act. Changes the amount of the civil penalty imposed for each offense of unlicensed practice and the maximum amount of fines that may be imposed for each violation of the Act from \$5,000 to \$10,000. Makes changes to provisions concerning the physician assistant advisory committee, supervision requirements, qualifications, fees, endorsement, grounds for disciplinary action, and hearing officers. Makes other changes. Repeals a Section concerning the issuance of a license. Effective immediately.

LRB095 06389 RAS 26486 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,  
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 The Clinical Social Work and Social Work Practice Act.

12 The Home Medical Equipment and Services Provider  
13 License Act.

14 The Nursing and Advanced Practice Nursing Act.

15 The Illinois Speech-Language Pathology and Audiology  
16 Practice Act.

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and  
19 Disciplinary Act.

20 The Pharmacy Practice Act of 1987.

21 ~~The Physician Assistant Practice Act of 1987.~~

22 The Podiatric Medical Practice Act of 1987.

23 The Structural Pest Control Act.

1 (b) The following Acts are repealed on December 31, 2008:

2 The Medical Practice Act of 1987.

3 The Environmental Health Practitioner Licensing Act.

4 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;  
5 94-1085, eff. 1-19-07; revised 1-22-07.)

6 (5 ILCS 80/4.28 new)

7 Sec. 4.28. Act repealed on January 1, 2018. The following  
8 Act is repealed on January 1, 2018:

9 The Physician Assistant Practice Act of 1987.

10 Section 10. The Physician Assistant Practice Act of 1987 is  
11 amended by changing Sections 3, 4, 7, 10.5, 11, 12, 14.1, 15,  
12 21, 22, 22.1, 22.2, 22.5, 22.6, 22.7, 22.8, 22.9, 22.10, and  
13 22.13 as follows:

14 (225 ILCS 95/3) (from Ch. 111, par. 4603)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 3. Administrative Procedure Act. The Illinois  
17 Administrative Procedure Act is hereby expressly adopted and  
18 incorporated herein as if all of the provisions of that Act  
19 were included in this Act, except that the provision of  
20 subsection (d) of Section 10-65 of the Illinois Administrative  
21 Procedure Act that provides that at hearings the licensee has  
22 the right to show compliance with all lawful requirements for  
23 retention, continuation or renewal of the license is

1 specifically excluded. For the purposes of this Act the notice  
2 required under Section 10-25 of the Administrative Procedure  
3 Act is deemed sufficient when mailed to the last known address  
4 of a party. The Secretary ~~Director~~ may promulgate rules for the  
5 administration and enforcement of this Act and may prescribe  
6 forms to be issued in connection with this Act.

7 (Source: P.A. 88-45.)

8 (225 ILCS 95/4) (from Ch. 111, par. 4604)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 4. In this Act:

11 1. "Department" means the Department of Financial and  
12 Professional Regulation.

13 2. "Secretary ~~Director~~" means the Secretary ~~Director~~ of  
14 Financial and Professional Regulation.

15 3. "Physician assistant" means any person not a physician  
16 who has been certified as a physician assistant by the National  
17 Commission on the Certification of Physician Assistants or  
18 equivalent successor agency and performs procedures under the  
19 supervision of a physician as defined in this Act. A physician  
20 assistant may perform such procedures within the specialty of  
21 the supervising physician, except that such physician shall  
22 exercise such direction, supervision and control over such  
23 physician assistants as will assure that patients shall receive  
24 quality medical care. Physician assistants shall be capable of  
25 performing a variety of tasks within the specialty of medical

1 care under the supervision of a physician. Supervision of the  
2 physician assistant shall not be construed to necessarily  
3 require the personal presence of the supervising physician at  
4 all times at the place where services are rendered, as long as  
5 there is communication available for consultation by radio,  
6 telephone or telecommunications within established guidelines  
7 as determined by the physician/physician assistant team. The  
8 supervising physician may delegate tasks and duties to the  
9 physician assistant. Delegated tasks or duties shall be  
10 consistent with physician assistant education, training, and  
11 experience. The delegated tasks or duties shall be specific to  
12 the practice setting and shall be implemented and reviewed  
13 under guidelines established by the physician or  
14 physician/physician assistant team. A physician assistant,  
15 acting as an agent of the physician, shall be permitted to  
16 transmit the supervising physician's orders as determined by  
17 the institution's by-laws, policies, procedures, or job  
18 description within which the physician/physician assistant  
19 team practices. Physician assistants shall practice only  
20 within the established guidelines.

21 4. "Board" means the Medical Licensing Board constituted  
22 under the Medical Practice Act of 1987.

23 5. "Disciplinary Board" means the Medical Disciplinary  
24 Board constituted under the Medical Practice Act of 1987.

25 6. "Physician" means, for purposes of this Act, a person  
26 licensed to practice medicine in all its branches under the

1 Medical Practice Act of 1987.

2 7. "Supervising Physician" means, for the purposes of this  
3 Act, the primary supervising physician of a physician  
4 assistant, who, within his specialty and expertise may delegate  
5 a variety of tasks and procedures to the physician assistant.  
6 Such tasks and procedures shall be delegated within established  
7 guidelines. The supervising physician maintains the final  
8 responsibility for the care of the patient and the performance  
9 of the physician assistant.

10 8. "Alternate supervising physician" means, for the  
11 purpose of this Act, any physician designated by the  
12 supervising physician to provide supervision in the event that  
13 he or she is unable to provide that supervision ~~for a period~~  
14 ~~not to exceed 30 days unless the Department is notified in~~  
15 ~~writing.~~ The Department may further define "alternate  
16 supervising physician" by rule.

17 The alternate supervising physicians shall maintain all  
18 the same responsibilities as the supervising physician.  
19 Nothing in this Act shall be construed as relieving any  
20 physician of the professional or legal responsibility for the  
21 care and treatment of persons attended by him or by physician  
22 assistants under his supervision. Nothing in this Act shall be  
23 construed as to limit the reasonable number of alternate  
24 supervising physicians, provided they are designated by the  
25 supervising physician.

26 (Source: P.A. 89-361, eff. 8-17-95.)

1 (225 ILCS 95/7) (from Ch. 111, par. 4607)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 7. Supervision requirements. No more than 2 physician  
4 assistants shall be supervised by the supervising physician,  
5 although a physician assistant shall be able to hold more than  
6 one professional position. Each supervising physician shall  
7 file a notice of supervision of such physician assistant  
8 according to the rules of the Department. However, the  
9 alternate supervising physician may supervise more than 2  
10 physician assistants when the supervising physician is unable  
11 to provide such supervision consistent with the definition of  
12 alternate physician in Section 4. It is the responsibility of  
13 the supervising physician to maintain documentation each time  
14 he or she has designated an alternative supervising physician.  
15 This documentation shall include the date alternate  
16 supervisory control began, the date alternate supervisory  
17 control ended, and any other changes. A supervising physician  
18 shall provide a copy of this documentation to the Department,  
19 upon request.

20 Physician assistants shall be supervised only by  
21 physicians as defined in this Act who are engaged in clinical  
22 practice, or in clinical practice in public health or other  
23 community health facilities.

24 Nothing in this Act shall be construed to limit the  
25 delegation of tasks or duties by a physician to a nurse or

1 other appropriately trained personnel.

2 Nothing in this Act shall be construed to prohibit the  
3 employment of physician assistants by a hospital, nursing home  
4 or other health care facility where such physician assistants  
5 function under the supervision of a supervising physician.

6 Physician assistants may be employed by the Department of  
7 Corrections or the Department of Human Services (as successor  
8 to the Department of Mental Health and Developmental  
9 Disabilities) for service in facilities maintained by such  
10 Departments and affiliated training facilities in programs  
11 conducted under the authority of the Director of Corrections or  
12 the Secretary of Human Services. Each physician assistant  
13 employed by the Department of Corrections or the Department of  
14 Human Services (as successor to the Department of Mental Health  
15 and Developmental Disabilities) shall be under the supervision  
16 of a physician engaged in clinical practice and direct patient  
17 care. Duties of each physician assistant employed by such  
18 Departments are limited to those within the scope of practice  
19 of the supervising physician who is fully responsible for all  
20 physician assistant activities.

21 A physician assistant may be employed by a practice group  
22 or other entity employing multiple physicians at one or more  
23 locations. In that case, one of the physicians practicing at a  
24 location shall be designated the supervising physician. The  
25 other physicians with that practice group or other entity who  
26 practice in the same general type of practice or specialty as

1 the supervising physician may supervise the physician  
2 assistant with respect to their patients without being deemed  
3 alternate supervising physicians for the purpose of this Act.  
4 (Source: P.A. 93-149, eff. 7-10-03.)

5 (225 ILCS 95/10.5)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 10.5. Unlicensed practice; violation; civil penalty.

8 (a) Any person who practices, offers to practice, attempts  
9 to practice, or holds oneself out to practice as a physician's  
10 assistant without being licensed under this Act shall, in  
11 addition to any other penalty provided by law, pay a civil  
12 penalty to the Department in an amount not to exceed \$10,000  
13 ~~\$5,000~~ for each offense as determined by the Department. The  
14 civil penalty shall be assessed by the Department after a  
15 hearing is held in accordance with the provisions set forth in  
16 this Act regarding the provision of a hearing for the  
17 discipline of a licensee.

18 (b) The Department has the authority and power to  
19 investigate any and all unlicensed activity.

20 (c) The civil penalty shall be paid within 60 days after  
21 the effective date of the order imposing the civil penalty. The  
22 order shall constitute a judgment and may be filed and  
23 execution had thereon in the same manner as any judgment from  
24 any court of record.

25 (Source: P.A. 89-474, eff. 6-18-96.)

1 (225 ILCS 95/11) (from Ch. 111, par. 4611)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 11. Committee. There is established a physician  
4 assistant advisory committee to the Medical Licensing Board.  
5 The physician assistant advisory committee shall review and  
6 make recommendations to the Board regarding all matters  
7 relating to physician assistants. The physician assistant  
8 advisory committee shall be composed of 7 members. Three of the  
9 7 members shall be physicians, 2 of whom shall be members of  
10 the Board and appointed to the advisory committee by the  
11 chairman. One physician, not a member of the Board, shall be a  
12 supervisor of a certified physician assistant and shall be  
13 approved by the Governor from a list of Illinois physicians  
14 supervising certified physician assistants. Three members  
15 shall be physician assistants, certified under the law and  
16 appointed by the Governor from a list of 10 names recommended  
17 by the Board of Directors of the Illinois Academy of Physician  
18 Assistants. One member, not employed or having any material  
19 interest in any health care field, shall be appointed by the  
20 Governor and represent the public. The chairman of the  
21 physician assistant advisory committee shall be a member  
22 elected by a majority vote of the physician assistant advisory  
23 committee unless already a member of the Board. The physician  
24 assistant advisory committee is required to meet and report to  
25 the Board as physician assistant issues arise. The terms of

1 office of each of the original 7 members shall be at staggered  
2 intervals. One physician and one physician assistant shall  
3 serve for a 2 year term. One physician and one physician  
4 assistant shall serve a 3 year term. One physician, one  
5 physician assistant and the public member shall serve a 4 year  
6 term. Upon the expiration of the term of any member, his  
7 successor shall be appointed for a term of 4 years in the same  
8 manner as the initial appointment. No member shall serve more  
9 than 2 consecutive terms.

10 ~~The members of the physician assistant advisory committee~~  
11 ~~shall be reimbursed for all authorized legitimate and necessary~~  
12 ~~expenses incurred in attending the meetings of the committee.~~

13 A majority of the physician assistant advisory committee  
14 members currently appointed shall constitute a quorum. A  
15 vacancy in the membership of the committee shall not impair the  
16 right of a quorum to perform all of the duties of the  
17 committee.

18 Members of the physician assistant advisory committee  
19 shall have no liability for any action based upon a  
20 disciplinary proceeding or other activity performed in good  
21 faith as a member of the committee.

22 (Source: P.A. 90-61, eff. 12-30-97; 91-827, eff. 6-13-00.)

23 (225 ILCS 95/12) (from Ch. 111, par. 4612)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 12. A person shall be qualified for licensure as a

1 physician assistant and the Department may issue a physician  
2 assistant license to a ~~if that~~ person who:

3 1. Has applied in writing in form and substance  
4 satisfactory to the Department and has not violated any of the  
5 provisions of Section 21 of this Act or the rules promulgated  
6 hereunder. The Department may take into consideration any  
7 felony conviction of the applicant but such conviction shall  
8 not operate as an absolute bar to licensure; ~~and~~

9 2. Has successfully completed the examination provided by  
10 the National Commission on the Certification of Physician's  
11 Assistant or its successor agency; ~~-~~

12 3. Holds a certificate issued by the National Commission on  
13 the Certification of Physician Assistants or an equivalent  
14 successor agency; and

15 4. Complies with all applicable rules of the Department.

16 (Source: P.A. 85-981.)

17 (225 ILCS 95/14.1)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 14.1. Fees.

20 (a) Fees collected for the administration of this Act shall  
21 be set by the ~~The~~ Department by rule ~~shall provide by rule for~~  
22 a schedule of fees to be paid for licenses by all applicants.  
23 All fees are not refundable.

24 (b) (Blank). ~~Except as provided in subsection (c) below,~~  
25 ~~the fees for the administration and enforcement of this Act,~~

1 ~~including but not limited to original licensure, renewal, and~~  
2 ~~restoration, shall be set by rule.~~

3 (c) All moneys collected under this Act by the Department  
4 shall be deposited in the Illinois State Medical Disciplinary  
5 Fund in the State Treasury and used (1) in the exercise of its  
6 powers and performance of its duties under this Act, as such  
7 use is made by the Department; (2) for costs directly related  
8 to license renewal of persons licensed under this Act; and (3)  
9 ~~for the costs incurred by the physician assistant advisory~~  
10 ~~committee in the exercise of its powers and performance of its~~  
11 ~~duties under this Act, as such use is made by the Department;~~  
12 ~~and (4) for direct and allocable indirect costs related to the~~  
13 public purposes of the Department ~~of Professional Regulation.~~

14 All earnings received from investment of moneys in the  
15 Illinois State Medical Disciplinary Fund shall be deposited  
16 into the Illinois State Medical Disciplinary Fund and shall be  
17 used for the same purposes as fees deposited in the Fund.

18 (Source: P.A. 90-61, eff. 12-30-97.)

19 (225 ILCS 95/15) (from Ch. 111, par. 4615)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 15. Endorsement. Upon payment of the required fee, the  
22 Department may, in its discretion, license as a physician  
23 assistant, an ~~An~~ applicant who is ~~may be approved as a~~  
24 physician assistant ~~who has been~~ licensed ~~or approved~~ in  
25 another jurisdiction, if the requirements for licensure in that

1 jurisdiction were, at the time of licensure, state which has  
2 substantially equivalent to the requirements in force in this  
3 State on that date or equivalent to the requirements of this  
4 Act the same requirements, and to whom the applicant applies  
5 and pays a fee determined by the Department.

6 (Source: P.A. 85-981.)

7 (225 ILCS 95/21) (from Ch. 111, par. 4621)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 21. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or to renew, or may  
11 revoke, suspend, place on probation, censure or reprimand, or  
12 take other disciplinary or non-disciplinary action with regard  
13 to any license issued under this Act as the Department may deem  
14 proper, including the issuance of fines not to exceed \$10,000  
15 ~~\$5000~~ for each violation, for any one or combination of the  
16 following causes:

17 (1) Material misstatement in furnishing information to  
18 the Department.

19 (2) Violations of this Act, or the rules adopted under  
20 this Act.

21 (3) Conviction of or entry of a plea of guilty or nolo  
22 contendere to any crime that is a felony under the laws of  
23 the United States or any state or territory thereof ~~any~~  
24 ~~U.S. jurisdiction that is a felony~~ or that is a  
25 misdemeanor, an essential element of which is dishonesty,

1 or ~~of~~ any crime that ~~which~~ is directly related to the  
2 practice of the profession.

3 (4) Making any misrepresentation for the purpose of  
4 obtaining licenses.

5 (5) Professional incompetence.

6 (6) Aiding or assisting another person in violating any  
7 provision of this Act or its rules.

8 (7) Failing, within 60 days, to provide information in  
9 response to a written request made by the Department.

10 (8) Engaging in dishonorable, unethical, or  
11 unprofessional conduct, as defined by rule, of a character  
12 likely to deceive, defraud, or harm the public.

13 (9) Habitual or excessive use or addiction to alcohol,  
14 narcotics, stimulants, or any other chemical agent or drug  
15 that results in a physician assistant's inability to  
16 practice with reasonable judgment, skill, or safety.

17 (10) Discipline by another U.S. jurisdiction or  
18 foreign nation, if at least one of the grounds for  
19 discipline is the same or substantially equivalent to those  
20 set forth in this Section.

21 (11) Directly or indirectly giving to or receiving from  
22 any person, firm, corporation, partnership, or association  
23 any fee, commission, rebate or other form of compensation  
24 for any professional services not actually or personally  
25 rendered.

26 (12) A finding by the Disciplinary Board that the

1 licensee, after having his or her license placed on  
2 probationary status has violated the terms of probation.

3 (13) Abandonment of a patient.

4 (14) Willfully making or filing false records or  
5 reports in his or her practice, including but not limited  
6 to false records filed with state agencies or departments.

7 (15) Willfully failing to report an instance of  
8 suspected child abuse or neglect as required by the Abused  
9 and Neglected Child Reporting Act.

10 (16) Physical illness, or mental illness or impairment  
11 ~~including but not limited to deterioration through the~~  
12 ~~aging process, or loss of motor skill, mental illness, or~~  
13 ~~disability~~ that results in the inability to practice the  
14 profession with reasonable judgment, skill, or safety,  
15 including, but not limited to, deterioration through the  
16 aging process or loss of motor skill.

17 (17) Being named as a perpetrator in an indicated  
18 report by the Department of Children and Family Services  
19 under the Abused and Neglected Child Reporting Act, and  
20 upon proof by clear and convincing evidence that the  
21 licensee has caused a child to be an abused child or  
22 neglected child as defined in the Abused and Neglected  
23 Child Reporting Act.

24 (18) (Blank). ~~Conviction in this State or another state~~  
25 ~~of any crime that is a felony under the laws of this State,~~  
26 ~~or conviction of a felony in a federal court.~~

1           (19) Gross negligence ~~malpractice~~ resulting in  
2 permanent injury or death of a patient.

3           (20) Employment of fraud, deception or any unlawful  
4 means in applying for or securing a license as a physician  
5 assistant.

6           (21) Exceeding the authority delegated to him or her by  
7 his or her supervising physician in guidelines established  
8 by the physician/physician assistant team.

9           (22) Immoral conduct in the commission of any act, such  
10 as sexual abuse, sexual misconduct or sexual exploitation  
11 related to the licensee's practice.

12           (23) Violation of the Health Care Worker Self-Referral  
13 Act.

14           (24) Practicing under a false or assumed name, except  
15 as provided by law.

16           (25) Making a false or misleading statement regarding  
17 his or her skill or the efficacy or value of the medicine,  
18 treatment, or remedy prescribed by him or her in the course  
19 of treatment.

20           (26) Allowing another person to use his or her license  
21 to practice.

22           (27) Prescribing, selling, administering,  
23 distributing, giving, or self-administering a drug  
24 classified as a controlled substance (designated product)  
25 or narcotic for other than medically-accepted therapeutic  
26 purposes.

1           (28) Promotion of the sale of drugs, devices,  
2           appliances, or goods provided for a patient in a manner to  
3           exploit the patient for financial gain.

4           (29) A pattern of practice or other behavior that  
5           demonstrates incapacity or incompetence to practice under  
6           this Act.

7           (30) Violating State or federal laws or regulations  
8           relating to controlled substances or other legend drugs.

9           (31) Exceeding the limited prescriptive authority  
10          delegated by the supervising physician or violating the  
11          written guidelines delegating that authority.

12          (32) Practicing without providing to the Department a  
13          notice of supervision or delegation of prescriptive  
14          authority.

15          (b) The Department may, without a hearing, refuse to issue  
16          or renew or may suspend the license of any person who fails to  
17          file a return, or to pay the tax, penalty or interest shown in  
18          a filed return, or to pay any final assessment of the tax,  
19          penalty, or interest as required by any tax Act administered by  
20          the Illinois Department of Revenue, until such time as the  
21          requirements of any such tax Act are satisfied.

22          (c) The determination by a circuit court that a licensee is  
23          subject to involuntary admission or judicial admission as  
24          provided in the Mental Health and Developmental Disabilities  
25          Code operates as an automatic suspension. The suspension will  
26          end only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission  
2 and issues an order so finding and discharging the patient, and  
3 upon the recommendation of the Disciplinary Board to the  
4 Secretary ~~Director~~ that the licensee be allowed to resume his  
5 or her practice.

6 (d) In enforcing this Section, the Department upon a  
7 showing of a possible violation may compel an individual  
8 licensed to practice under this Act, or who has applied for  
9 licensure under this Act, to submit to a mental or physical  
10 examination, or both, as required by and at the expense of the  
11 Department. The Department may order the examining physician to  
12 present testimony concerning the mental or physical  
13 examination of the licensee or applicant. No information shall  
14 be excluded by reason of any common law or statutory privilege  
15 relating to communications between the licensee or applicant  
16 and the examining physician. The examining physicians shall be  
17 specifically designated by the Department. The individual to be  
18 examined may have, at his or her own expense, another physician  
19 of his or her choice present during all aspects of this  
20 examination. Failure of an individual to submit to a mental or  
21 physical examination, when directed, shall be grounds for  
22 suspension of his or her license until the individual submits  
23 to the examination if the Department finds, after notice and  
24 hearing, that the refusal to submit to the examination was  
25 without reasonable cause.

26 If the Department finds an individual unable to practice

1 because of the reasons set forth in this Section, the  
2 Department may require that individual to submit to care,  
3 counseling, or treatment by physicians approved or designated  
4 by the Department, as a condition, term, or restriction for  
5 continued, reinstated, or renewed licensure to practice; or, in  
6 lieu of care, counseling, or treatment, the Department may file  
7 a complaint to immediately suspend, revoke, or otherwise  
8 discipline the license of the individual. An individual whose  
9 license was granted, continued, reinstated, renewed,  
10 disciplined, or supervised subject to such terms, conditions,  
11 or restrictions, and who fails to comply with such terms,  
12 conditions, or restrictions, shall be referred to the Secretary  
13 ~~Director~~ for a determination as to whether the individual shall  
14 have his or her license suspended immediately, pending a  
15 hearing by the Department.

16 In instances in which the Secretary ~~Director~~ immediately  
17 suspends a person's license under this Section, a hearing on  
18 that person's license must be convened by the Department within  
19 15 days after the suspension and completed without appreciable  
20 delay. The Department shall have the authority to review the  
21 subject individual's record of treatment and counseling  
22 regarding the impairment to the extent permitted by applicable  
23 federal statutes and regulations safeguarding the  
24 confidentiality of medical records.

25 An individual licensed under this Act and affected under  
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department that he or she can resume practice in compliance  
2 with acceptable and prevailing standards under the provisions  
3 of his or her license.

4 (Source: P.A. 90-61, eff. 12-30-97; 90-116, eff. 7-14-97;  
5 90-655, eff. 7-30-98.)

6 (225 ILCS 95/22) (from Ch. 111, par. 4622)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 22. Returned checks; fines. Any person who delivers a  
9 check or other payment to the Department that is returned to  
10 the Department unpaid by the financial institution upon which  
11 it is drawn shall pay to the Department, in addition to the  
12 amount already owed to the Department, a fine of \$50. The fines  
13 imposed by this Section are in addition to any other discipline  
14 provided under this Act for unlicensed practice or practice on  
15 a nonrenewed license. The Department shall notify the person  
16 that payment of fees and fines shall be paid to the Department  
17 by certified check or money order within 30 calendar days of  
18 the notification. If, after the expiration of 30 days from the  
19 date of the notification, the person has failed to submit the  
20 necessary remittance, the Department shall automatically  
21 terminate the license or certificate or deny the application,  
22 without hearing. If, after termination or denial, the person  
23 seeks a license or certificate, he or she shall apply to the  
24 Department for restoration or issuance of the license or  
25 certificate and pay all fees and fines due to the Department.

1 The Department may establish a fee for the processing of an  
2 application for restoration of a license or certificate to pay  
3 all expenses of processing this application. The Secretary  
4 ~~Director~~ may waive the fines due under this Section in  
5 individual cases where the Secretary ~~Director~~ finds that the  
6 fines would be unreasonable or unnecessarily burdensome.

7 (Source: P.A. 92-146, eff. 1-1-02.)

8 (225 ILCS 95/22.1) (from Ch. 111, par. 4622.1)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 22.1. Injunction.

11 (a) If any person violates the provision of this Act, the  
12 Secretary ~~Director~~ may, in the name of the People of the State  
13 of Illinois, through the Attorney General of the State of  
14 Illinois, or the State's Attorney of any county in which the  
15 action is brought, petition for an order enjoining the  
16 violation or for an order enforcing compliance with this Act.  
17 Upon the filing of a verified petition in court, the court may  
18 issue a temporary restraining order, without notice or bond,  
19 and may preliminarily and permanently enjoin such violation,  
20 and if it is established that such person has violated or is  
21 violating the injunction, the Court may punish the offender for  
22 contempt of court. Proceedings under this Section shall be in  
23 addition to, and not in lieu of, all other remedies and  
24 penalties provided by this Act.

25 (b) If any person shall practice as a physician assistant

1 or hold himself or herself out as a physician assistant without  
2 being licensed under the provisions of this Act, then any  
3 licensed physician assistant, any interested party or any  
4 person injured thereby may, in addition to the Secretary  
5 ~~Director~~, petition for relief as provided in subsection (a) of  
6 this Section.

7 (c) Whenever in the opinion of the Department any person  
8 violates any provision of this Act, the Department may issue a  
9 rule to show cause why an order to cease and desist should not  
10 be entered against him. The rule shall clearly set forth the  
11 grounds relied upon by the Department and shall provide a  
12 period of 7 days from the date of the rule to file an answer to  
13 the satisfaction of the Department. Failure to answer to the  
14 satisfaction of the Department shall cause an order to cease  
15 and desist to be issued forthwith.

16 (Source: P.A. 90-61, eff. 12-30-97.)

17 (225 ILCS 95/22.2) (from Ch. 111, par. 4622.2)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 22.2. Investigation; notice; hearing. The Department  
20 may investigate the actions of any applicant or of any person  
21 or persons holding or claiming to hold a license. The  
22 Department shall, before suspending, revoking, placing on  
23 probationary status, or taking any other disciplinary action as  
24 the Department may deem proper with regard to any license, at  
25 least 30 days prior to the date set for the hearing, notify the

1 applicant or licensee in writing of any charges made and the  
2 time and place for a hearing of the charges before the  
3 Disciplinary Board, direct him or her to file his or her  
4 written answer thereto to the Disciplinary Board under oath  
5 within 20 days after the service on him or her of such notice  
6 and inform him or her that if he or she fails to file such  
7 answer default will be taken against him or her and his or her  
8 license may be suspended, revoked, placed on probationary  
9 status, or have other disciplinary action, including limiting  
10 the scope, nature or extent of his or her practice, as the  
11 Department may deem proper taken with regard thereto. Such  
12 written notice may be served by personal delivery or certified  
13 or registered mail at the last address of his or her last  
14 notification to the Department. At the time and place fixed in  
15 the notice, the Department shall proceed to hear the charges  
16 and the parties or their counsel shall be accorded ample  
17 opportunity to present such statements, testimony, evidence,  
18 and argument as may be pertinent to the charges or to the  
19 defense thereto. The Department may continue such hearing from  
20 time to time. In case the applicant or licensee, after  
21 receiving notice, fails to file an answer, his or her license  
22 may in the discretion of the Secretary ~~Director~~, having  
23 received first the recommendation of the Disciplinary Board, be  
24 suspended, revoked, placed on probationary status, or the  
25 Secretary ~~Director~~ may take whatever disciplinary action as he  
26 or she may deem proper, including limiting the scope, nature,

1 or extent of such person's practice, without a hearing, if the  
2 act or acts charged constitute sufficient grounds for such  
3 action under this Act.

4 (Source: P.A. 90-61, eff. 12-30-97.)

5 (225 ILCS 95/22.5) (from Ch. 111, par. 4622.5)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 22.5. Subpoena power; oaths. The Department shall have  
8 power to subpoena and bring before it any person and to take  
9 testimony either orally or by deposition or both, with the same  
10 fees and mileage and in the same manner as prescribed by law in  
11 judicial proceedings in civil cases in circuit courts of this  
12 State.

13 The Secretary ~~Director~~, the designated hearing officer,  
14 and any member of the Disciplinary Board designated by the  
15 Secretary ~~Director~~ shall each have power to administer oaths to  
16 witnesses at any hearing which the Department is authorized to  
17 conduct under this Act and any other oaths required or  
18 authorized to be administered by the Department under this Act.

19 (Source: P.A. 90-61, eff. 12-30-97.)

20 (225 ILCS 95/22.6) (from Ch. 111, par. 4622.6)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 22.6. At the conclusion of the hearing the  
23 Disciplinary Board shall present to the Secretary ~~Director~~ a  
24 written report of its findings of fact, conclusions of law and

1 recommendations. The report shall contain a finding whether or  
2 not the accused person violated this Act or failed to comply  
3 with the conditions required in this Act. The Disciplinary  
4 Board shall specify the nature of the violation or failure to  
5 comply, and shall make its recommendations to the Secretary  
6 ~~Director~~.

7 The report of findings of fact, conclusions of law and  
8 recommendation of the Disciplinary Board shall be the basis for  
9 the Department's order or refusal or for the granting of a  
10 license or permit. If the Secretary ~~Director~~ disagrees in any  
11 regard with the report of the Disciplinary Board, the Secretary  
12 ~~Director~~ may issue an order in contravention thereof. The  
13 Secretary ~~Director~~ shall provide a written report to the  
14 Disciplinary Board on any deviation, and shall specify with  
15 particularity the reasons for such action in the final order.  
16 The finding is not admissible in evidence against the person in  
17 a criminal prosecution brought for the violation of this Act,  
18 but the hearing and finding are not a bar to a criminal  
19 prosecution brought for the violation of this Act.

20 (Source: P.A. 85-981.)

21 (225 ILCS 95/22.7) (from Ch. 111, par. 4622.7)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 22.7. Hearing officer. Notwithstanding the provisions  
24 of Section 22.2 of this Act, the Secretary ~~Director~~ shall have  
25 the authority to appoint any attorney duly licensed to practice

1 law in the State of Illinois to serve as the hearing officer in  
2 any action for refusal to issue or renew, or for discipline of,  
3 a license. The Secretary ~~Director~~ shall notify the Disciplinary  
4 Board of any such appointment. The hearing officer shall have  
5 full authority to conduct the hearing. The hearing officer  
6 shall report his or her findings of fact, conclusions of law,  
7 and recommendations to the Disciplinary Board and the Secretary  
8 ~~Director~~. The Disciplinary Board shall ~~have 60 days from~~  
9 ~~receipt of the report to~~ review the report of the hearing  
10 officer and present their findings of fact, conclusions of law,  
11 and recommendations to the Secretary ~~Director~~. If the  
12 Disciplinary Board fails to present its report ~~within the 60~~  
13 ~~day period~~, the Secretary ~~may~~ ~~Director shall~~ issue an order  
14 based on the report of the hearing officer. If the Secretary  
15 ~~Director~~ disagrees in any regard with the report of the  
16 Disciplinary Board or hearing officer, he or she may issue an  
17 order in contravention thereof. The Secretary ~~Director~~ shall  
18 provide a written explanation to the Disciplinary Board on any  
19 such deviation, and shall specify with particularity the  
20 reasons for such action in the final order.

21 (Source: P.A. 90-61, eff. 12-30-97.)

22 (225 ILCS 95/22.8) (from Ch. 111, par. 4622.8)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 22.8. In any case involving the refusal to issue,  
25 renew or discipline of a license, a copy of the Disciplinary

1 Board's report shall be served upon the respondent by the  
2 Department, either personally or as provided in this Act for  
3 the service of the notice of hearing. Within 20 days after such  
4 service, the respondent may present to the Department a motion  
5 in writing for a rehearing, which motion shall specify the  
6 particular grounds therefor. If no motion for rehearing is  
7 filed, then upon the expiration of the time specified for  
8 filing such a motion, or if a motion for rehearing is denied,  
9 then upon such denial the Secretary ~~Director~~ may enter an order  
10 in accordance with recommendations of the Disciplinary Board  
11 except as provided in Section 22.6 or 22.7 of this Act. If the  
12 respondent shall order from the reporting service, and pay for  
13 a transcript of the record within the time for filing a motion  
14 for rehearing, the 20 day period within which such a motion may  
15 be filed shall commence upon the delivery of the transcript to  
16 the respondent.

17 (Source: P.A. 85-981.)

18 (225 ILCS 95/22.9) (from Ch. 111, par. 4622.9)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 22.9. Whenever the Secretary ~~Director~~ is satisfied  
21 that substantial justice has not been done in the revocation,  
22 suspension or refusal to issue or renew a license, the  
23 Secretary ~~Director~~ may order a rehearing by the same or another  
24 hearing officer or Disciplinary Board.

25 (Source: P.A. 85-981.)

1 (225 ILCS 95/22.10) (from Ch. 111, par. 4622.10)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 22.10. Order or certified copy; prima facie proof. An  
4 order or a certified copy thereof, over the seal of the  
5 Department and purporting to be signed by the Secretary  
6 ~~Director~~, shall be prima facie proof that:

7 (a) the signature is the genuine signature of the  
8 Secretary ~~Director~~;

9 (b) the Secretary ~~Director~~ is duly appointed and  
10 qualified; and

11 (c) the Disciplinary Board and the members thereof are  
12 qualified to act.

13 (Source: P.A. 91-357, eff. 7-29-99.)

14 (225 ILCS 95/22.13) (from Ch. 111, par. 4622.13)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 22.13. The Secretary ~~Director~~ may temporarily suspend  
17 the license of a physician assistant without a hearing,  
18 simultaneously with the institution of proceedings for a  
19 hearing provided for in Section 22.2 of this Act, if the  
20 Secretary ~~Director~~ finds that evidence in his possession  
21 indicates that continuation in practice would constitute an  
22 imminent danger to the public. In the event that the Secretary  
23 ~~Director~~ suspends, temporarily, this license without a  
24 hearing, a hearing by the Department must be held within 30

1 days after such suspension has occurred, and concluded without  
2 appreciable delay.

3 (Source: P.A. 85-981.)

4 (225 ILCS 95/14 rep.)

5 Section 15. The Physician Assistant Practice Act of 1987 is  
6 amended by repealing Section 14.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	5 ILCS 80/4.18	
4	5 ILCS 80/4.28 new	
5	225 ILCS 95/3	from Ch. 111, par. 4603
6	225 ILCS 95/4	from Ch. 111, par. 4604
7	225 ILCS 95/7	from Ch. 111, par. 4607
8	225 ILCS 95/10.5	
9	225 ILCS 95/11	from Ch. 111, par. 4611
10	225 ILCS 95/12	from Ch. 111, par. 4612
11	225 ILCS 95/14.1	
12	225 ILCS 95/15	from Ch. 111, par. 4615
13	225 ILCS 95/21	from Ch. 111, par. 4621
14	225 ILCS 95/22	from Ch. 111, par. 4622
15	225 ILCS 95/22.1	from Ch. 111, par. 4622.1
16	225 ILCS 95/22.2	from Ch. 111, par. 4622.2
17	225 ILCS 95/22.5	from Ch. 111, par. 4622.5
18	225 ILCS 95/22.6	from Ch. 111, par. 4622.6
19	225 ILCS 95/22.7	from Ch. 111, par. 4622.7
20	225 ILCS 95/22.8	from Ch. 111, par. 4622.8
21	225 ILCS 95/22.9	from Ch. 111, par. 4622.9
22	225 ILCS 95/22.10	from Ch. 111, par. 4622.10
23	225 ILCS 95/22.13	from Ch. 111, par. 4622.13
24	225 ILCS 95/14 rep.	